

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEF
C/m

-----x
KINGVISION PAY-PER-VIEW LTD., as
Broadcast Licensee of the May 14, 2005
WRIGHT/TRINIDAD Program,

Plaintiff,

-against-

MEMORANDUM AND ORDER

No. 06-CV-2509 (FB) (RER)

MANUEL PALAGUACHI, Individually and as
officer, director, shareholder and/or principal
of EL PICCOLINO RESTAURANTE CORP.
d/b/a EL PICCOLINO RESTAURANTE a/k/a
EL PICCOLINO REST. a/k/a IL
RISTAUANTE, INC. a/k/a EL PICCOLINO
RESTAURANTE, and EL PICCOLINO
RESTAURANTE CORP. d/b/a EL PICCOLINO
RESTAURANTE a/k/a EL PICCOLINO REST.
a/k/a IL RISTAUANTE, INC. a/k/a EL
PICCOLINO RESTAURANTE,

Defendants.
-----x

Appearances:

For the Plaintiff:

JULIE COHEN LONSTEIN, ESQ.
1 Terrace Hill, Box 351
Ellenville, NY 12428

BLOCK, Senior District Judge:

On November 28, 2006, Magistrate Judge Ramon E. Reyes, Jr. issued a Report and Recommendation ("R & R") recommending that default judgment be entered against the defendants in the amount of \$8,493.75. The R & R states that "[a]ny objections this Report and Recommendation must be filed with the Clerk of the Court . . . within ten days of receiving this Report and Recommendation," R & R at 8, and that "[f]ailure to file timely objections may waive the right to appeal the District Court's Order." *Id.* Plaintiff served a copy of the R & R on the defendants by certified mail on November 30, 2006, *see* Docket

Entry #14 (Certificate of Service), making objections due by December 18, 2006. *See* Fed. R. Civ. P. 6(a), 6(e). To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of the Magistrate Reyes' R & R, the Court adopts it without *de novo* review. The Clerk is directed to enter judgment to the extent permitted by the R & R.

SO ORDERED.

/s/

FRÉDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 3, 2007